

SECTION 401 WATER QUALITY CERTIFICATION

Permittee: Franklin Hills Estates and Country Club LLC
248 Route 32
Franklin CT 06254

Attn: Andrew D'amato

Permit No.: WQC-201302677
Town: Franklin
Project: Franklin Hill Estates and Country Club
Waters: Unnamed tributaries to Susquetonskut Brook

Pursuant to Section 401 of the Federal Clean Water Act (33 USC 1341) Water Quality Certification is hereby issued to Franklin Hills Estates and Country Club LLC (the federal permittee) for activities, including but not limited to the construction or operation of facilities, which may result in any discharge(s) into waters of the state associated with the repair of the construction of Franklin Hill Estates and Country Club in accordance with the application referenced above and filed with this Department on May 23, 2013 and described herein.

AUTHORIZED ACTIVITY

The permittee is authorized to construct an 18 hole golf course and residential community specifically including: one open bottom culvert 5 feet high by 16 feet wide by 47 feet long; one open bottom culvert 4 feet high by 16 feet wide by 47 feet long; three plunge pools 20 feet by 3 feet; and three 24 inch round pipes, two being 166 feet long and one being 108 feet long.

The project will impact 1.74 acres (75,580 sq. ft) of wetlands/watercourse (0.077 acres of direct impacts; 1.66 acres of secondary impact).

All activities shall be conducted in accordance with said application and plans which are a part thereof entitled: "WETLAND PERMITTING DOCUMENTS FOR US ACOE, US EPA & CTDEEP FRANKLIN HILLS ESTATES AND COUNTRY CLUB, LLC" dated May 15, 2013 and revised through October 9, 2013, prepared by Franklin Group LLC.

Said discharge(s) will comply with the applicable provisions of Section 301, 302, 303, 306 and 307 of said Act and will not violate Connecticut's Water Quality Standards.

This authorization is subject to the following conditions:

SPECIAL CONDITIONS

1. **Wetland Mitigation.** The permittee must conduct the wetland mitigation in accordance with the plan sheet entitled "Wetland Impact and Mitigation Plan 01 of 01 WIM.01" dated May 15, 2013 and revised through July 3, 2013 and prepared by the Franklin Group LLC.
2. **Preservation.** The permittee must place a conservation easement on a minimum of 95.78 acres of land as depicted on plan sheet entitled "Conservation Easement Plan CON.01" dated October 9, 2013 prepared by the Franklin Group LLC. The conservation easement must be established within six months after commencing construction.
3. **Invasive Plant Species Control Plan.** The permittee shall follow the plan entitled "Invasive Plant Control Plan" dated October 2013 and prepared by Rema Ecological Services, LLC to control invasive plant species at the site. The plan shall be implemented for at least five years following completion of construction.

GENERAL TERMS AND CONDITIONS

1. **Rights.** This certificate is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
2. **Expiration of Certificate.** This certificate shall expire upon the expiration of the U.S. Army Corps of Engineers (USACOE) Section 404 permit for the same activity.
3. **Compliance with Certificate.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, 2004 *Connecticut Stormwater Quality*

Manual, Department of Transportation's ConnDOT Drainage Manual as revised, and the Department of Transportation Standard Specifications as revised.

The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:

- (i) the provision(s) of this permit that has been violated;
- (ii) the date and time the violation(s) was first observed and by whom;
- (iii) the cause of the violation(s), if known
- (iv) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
- (v) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (vi) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- (vii) the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with section 9 of this permit.

4. **Contractor Notification.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
5. **Transfer of Certificate.** This authorization is not transferable without the written consent of the Commissioner.
6. **Reliance on Application.** In evaluating the permittee's application, the Commissioner has relied on information provided by the permittee. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, this certificate may be modified, suspended or revoked.
7. **Storage of Materials.** The storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent

flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.

7. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this certificate shall be signed by the permittee, a responsible corporate officer of the permittee, a general partner of the permittee, or a duly authorized representative of the permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense in accordance with Section 22a-6 under Section 53a-157 of the Connecticut General Statutes."

8. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director
Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
Inland Water Resources Division
79 Elm Street, Third Floor
Hartford, Connecticut 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

Issued by the Commissioner of Energy and Environmental Protection on _____.
Date

Macky McCleary
Deputy Commissioner

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